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10/002,508	11/02/2001	Ralph H. Reese	33267.00005.CON	6178
36183 7590 06/11/2008 PAUL, HASTINGS, JANOFSKY & WALKER LLP 875 15th Street, NW Washington, DC 20005				
EXAMINER				
PHAN, JOSEPH T				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/002,508

Applicant(s)

REESE ET AL.

Examiner

Joseph T. Phan

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6-8,10,12,13,15-21,23-25,28-30,34,37,39-43,45,46,49-58 and 60-78 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Final Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continuation of Disposition of Claims: Claims pending in the application are 1,6-8,10,12,13,15-21,23-25,28-30,34,37,39-43,45,46,49-58 and 60-78.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 62 and 65 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 62 and 65 line 3 recites "said notification" which lacks antecedent basis. The 'notification' was removed from the preceding claims and now makes the claims indefinite. Appropriate clarification and/or correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 6-8, 10, 12-13, 15-17, 20-21, 23-25, 28-30, 34, 37, 39-41, 45-46, 49-52, 55-58, 60-69, 71-73, and 75-77 rejected under 35 U.S.C. 102(b) as being anticipated by Friedes, Patent # 5,444,774.

Regarding claim 1, Friedes teaches a system for responding to requests(Fig.2), said system comprising:

an IVR(204 Fig.2) for identifying a requestor, querying said requestor for information and receiving from said requestor said information(Fig.3/5, col.2 line 57-col.3 line 10, and col.6 lines 49-53); a routing switch in communication with said IVR(203/221 Fig.2); a database in communication with said routing switch adapted to store and forward a unit of work record(206/208 Fig.2), said unit of work record comprising all of said information received by said IVR and all other information residing in said database pertaining to said requestor and said requests(col.2 line 57-col.3 line 10 and col.6 lines 28-67); a device in communication with said routing switch, for distributing said unit of work record(206/208 Fig.2); and a receiver adapted to receive said unit of work record from said device during contact with said requestor and generate a decision pertaining to said requestor's request based on contents of said unit of work record while still in contact with said requestor(*col.3 lines 3-19 and col.8 lines 40-57; decision is generated to route requestor to appropriate attendant according to unit of work record*).

Regarding claim 6, Friedes teaches the system of claim 1 wherein said system is adapted to receive requests via a mode of communication selected from the group consisting of telephones, faxes, and the internet(Fig.2).

Regarding claim 7, Friedes teaches the system of claim 1 wherein said system is adapted to receive automated requests from machines(col.2 line 57-col.3 line 10 and col.6 lines 28-67).

Regarding claim 8, Friedes teaches the system of claim 1 wherein said IVR is adapted to receive responses from said requestor in the form of communication selected from the group consisting of sound, touch tones, speech, electronic data, e-mail, faxes, and internet (Fig.2).

Regarding claim 10, Friedes teaches the system of claim 1 wherein said database is adapted to be updated with said relevant information each time said requestor uses said system(col.2 line 57-col.3 line 10, col.6 lines 28-67).

Regarding claim 12, Friedes teaches the system of claim 1 wherein said device for distributing said unit of work record is a hub(206/208 Fig.2)

Regarding claim 13, Friedes teaches the system of claim 1 wherein said receiver is adapted to generate an automated response using said unit of work record(col.8 lines 40-57).

Regarding claim 15, Friedes teaches the system of claim 1 further comprising a computer telephony integration server in communication with said routing switch, said computer telephony integration server adapted to synchronize said unit of work record with said receiver(col.2 line 57-col.3 line 10 and col.6 lines 28-67).

Regarding claim 16, Friedes teaches the system of claim 1 further comprising at least one additional receiver in communication with said receiver such that said receiver is adapted to transfer said unit of work record to said at least one additional receiver(225-255 Fig.2, col.2 line 57-col.3 line 10, col.6 lines 28-67, col.8 lines 40-57).

Regarding claim 17, Friedes teaches the system of claim 1 further comprising a second database in communication with said routing switch such that said receiver is adapted to receive information from said second database(208 Fig.2, col.2 line 57-col.3 line 10, col.6 lines 28-67, col.8 lines 40-57).

Regarding claim 20, Friedes teaches the system of claim 17 wherein said second database is remotely located from said routing switch(208 Fig.2, col.2 line 57-col.3 line 10, col.6 lines 28-67, col.8 lines 40-57).

Regarding claim 21, Friedes the system of claim 20 wherein said second database is in communication with said routing switch via a data service unit/channel service unit(208 Fig.2, col.2 line 57-col.3 line 10, col.6 lines 28-67, col.8 lines 40-57).

Regarding claim 23, Friedes teaches the system of claim 20 further comprising a firewall interposed between said second database and said routing switch(212/221 Fig.2).

Regarding claim 24, Friedes teaches the system of claim 17 wherein said information from said second database is included in said unit of work record(208 Fig.2, col.2 line 57-col.3 line 10, col.6 lines 28-67, col.8 lines 40-57).

Regarding claim 25, Friedes teaches a system for responding to requests, said system comprising:

a device adapted to identify a requestor and query said requestor for information and receive from said requestor said information(204 Fig.2, col.2 line 57-col.3 line 10, col.6 lines 28-67, col.8 lines 40-57).

a database in communication with said device adapted to store and forward a unit of work record, said unit of work record comprising all of said information received by said device and all other information residing in said database pertaining to said requestor and said requests(206/208 Fig.2, col.2 line 57-col.3 line 10, col.6 lines 28-67, col.8 lines 40-57).

a receiver adapted to receive a unit of work record from said database during contact with said requestor and generate a decision pertaining to said requestor's request based on the contents of said unit of work record while still in contact with said requestor(Fig.2, col.2 line 57-col.3 line 10, col.6 lines 28-67, col.8 lines 40-57; *decision to route requestor to specific agent according to unit of work record*).

Regarding claim 28, Friedes the system of claim 25 wherein said system is adapted to receive requests via a mode of communication selected from the group consisting of telephones, faxes, and the internet(Fig.2).

Regarding claim 29, Friedes the system of claim 25 wherein said system is adapted to receive automated requests from machines(Fig.2, col.2 line 57-col.3 line 10, col.6 lines 28-67, col.8 lines 40-57).

Regarding claim 30, Friedes the system of claim 25 wherein said device is adapted to receive responses from said requestor in the form of communication selected from the group consisting of sound, touch tones, speech, electronic data, e-mail, faxes, and internet messages(Fig.2).

Regarding claim 34, Friedes the system of claim 25 wherein said database is adapted to be updated with said relevant information each time said requestor uses said system(Fig.2, col.2 line 57-col.3 line 10, col.6 lines 28-67, col.8 lines 40-57).

Regarding claim 37, Friedes the system of claim 25 wherein said receiver is adapted to generate an automated response using said unit of work record(Fig.2, col.2 line 57-col.3 line 10, col.6 lines 28-67, col.8 lines 40-57).

Regarding claim 39, Friedes the system of claim 25 further comprising a computer telephony integration server adapted to synchronize said unit of work record with said receiver(Fig.2, col.2 line 57-col.3 line 10, col.6 lines 28-67, col.8 lines 40-57).

Regarding claim 40, Friedes the system of claim 25 further comprising at least one additional receiver in communication with said receiver such that said receiver is adapted to

transfer said unit of work record to said at least one additional receiver(225/255 Fig.2, col.2 line 57-col.3 line 10, col.6 lines 28-67, col.8 lines 40-57).

Regarding claim 41, Friedes the system of claim 25 further comprising a second database such that said receiver is adapted to receive information from said second databasc(208 Fig.2, col.2 line 57-col.3 line 10, col.6 lines 28-67, col.8 lines 40-57).

Regarding claim 45, Friedes the system of claim 41 wherein said information from said second database is included in said unit of work record(Fig.1, col.6 lines 4-11, col.9 lines 24-30 and col.11 lines 45-60).

Regarding claim 46, Friedes teaches a method for receiving requests, said method comprising:
querying a requestor for information, receiving from said requestor said information, obtaining from a database all information pertaining to said requestor and said requests(col.2 line 57-col.3 line 10, col.6 lines 28-67, col.8 lines 40-57);

saving all of information received from said requestor and all of said information obtained from said database as a unit of work record, and forwarding said unit of work record to a receiver; and generating a decision pertaining to said requestor's request based on the contents of said unit of work record while still in contact with said requestor(col.2 line 57-col.3 line 10, col.6 lines 28-67, col.8 lines 40-57).

Regarding claim 49, Friedes the method of claim 46 further comprising updating said unit of work record with said relevant information each time said requestor makes a request(col.2 line 57-col.3 line 10, col.6 lines 28-67, col.8 lines 40-57).

Regarding claim 50, Friedes the method of claim 49 wherein said unit of work record is updated to include said relevant information from a current contact with said requestor as well as information about a past contact with said requestor(col.2 line 57-col.3 line 10, col.6 lines 28-67, col.8 lines 40-57).

Regarding claim 51, Friedes the method of claim 46 further comprising providing a response to said requestor using said unit of work record(col.2 line 57-col.3 line 10, col.6 lines 28-67, col.8 lines 40-57).

Regarding claim 52, Friedes the method of claim 46 further comprising transferring information from a database to said receiver such that said receiver receives said unit of work record and said information from said database while still in contact with said receiver(col.2 line 57-col.3 line 10, col.6 lines 28-67, col.8 lines 40-57).

Regarding claim 55, Friedes the method of claim 46 further comprising:
providing a second database containing information relative to said requestor and said requests, and saving said information of said second database in said unit of work record (208 Fig.2, col.2 line 57-col.3 line 10, col.6 lines 28-67, col.8 lines 40-57).

Regarding claim 58, Friedes the method of claim 46 further comprising forwarding said unit of work record to a second receiver while still in contact with said requestor(col.2 line 57-col.3 line 10, col.6 lines 28-67, col.8 lines 40-57).

Regarding claim 60, Friedes the system of claim 1, wherein said IVR is adapted to draw conclusions about said requestor and dynamically decide what questions to ask said requestor(col.2 line 57-col.3 line 10, col.6 lines 28-67, col.8 lines 40-57).

Regarding claim 61, Friedes the system of claim 1 further comprising a computer telephony integration (CTI) server in communication with said IVR, said database, and said receiver(col.2 line 57-col.3 line 10, col.6 lines 28-67, col.8 lines 40-57).

Regarding claim 62, Friedes the system of claim 61 wherein said application program is operable to automatically access said contents of said unit of work record in response to said notification; append additional information to said contents; write said contents to said unit of work record in said database, thereby updating said unit of work record(col.2 line 57-col.3 line 10, col.6 lines 28-67, col.8 lines 40-57).

Regarding claim 63, Friedes the system of claim 25, wherein said device is adapted to draw conclusions about said requestor and dynamically decide what questions to ask said requestor(col.2 line 57-col.3 line 10, col.6 lines 28-67, col.8 lines 40-57).

Regarding claim 64, Friedes the system of claim 25 further comprising a computer telephony integration (CTI) server in communication with said device, said database, and said receiver(col.2 line 57-col.3 line 10, col.6 lines 28-67, col.8 lines 40-57).

Regarding claim 65, Friedes the system of claim 64 wherein said application program is operable to automatically access said contents of said unit of work record in response to said notification; append additional information to said contents; write said contents to said unit of work record in said database, thereby updating said unit of work record(col.2 line 57-col.3 line 10, col.6 lines 28-67, col.8 lines 40-57).

Regarding claim 66, Friedes the method of claim 46 wherein the receiver is adapted to generate an automated decision using the unit of work record(col.2 line 57-col.3 line 10, col.6 lines 28-67, col.8 lines 40-57).

Regarding claim 67, Friedes the system of claim 1 wherein the requestor is informed of the decision(col.2 line 57-col.3 line 10, col.6 lines 28-67, col.8 lines 40-57; requestor is informed of decision when routed).

Regarding claim 68, Friedes the system of claim 67 wherein the requestor is informed of the decision by the receiver (col.2 line 57-col.3 line 10, col.6 lines 28-67, col.8 lines 40-57; connecting to the receiver, the requestor is informed by it instantaneously).

Regarding claim 69, Friedes the system of claim 67 wherein the requestor is informed of the decision by an agent(col.2 line 57-col.3 line 10, col.6 lines 28-67, col.8 lines 40-57; connecting to an agent informs the requestor of the decision to be routed to an appropriate agent).

Regarding claim 71, Friedes the system of claim 25 wherein the requestor is informed of the decision(col.2 line 57-col.3 line 10, col.6 lines 28-67, col.8 lines 40-57).

Regarding claim 72, Friedes the system of claim 71 wherein the requestor is informed of the decision by the receiver(col.2 line 57-col.3 line 10, col.6 lines 28-67, col.8 lines 40-57; connecting to the receiver, the requestor is informed by it instantaneously).

Regarding claim 73, Friedes the system of claim 71 wherein the requestor is informed of the decision by an agent(col.2 line 57-col.3 line 10, col.6 lines 28-67, col.8 lines 40-57; connecting to an agent informs the requestor of the decision to be routed to an appropriate agent).

Regarding claim 75, Friedes the method of claim 46 wherein the requestor is informed of the decision(col.2 line 57-col.3 line 10, col.6 lines 28-67, col.8 lines 40-57).

Regarding claim 76, Friedes the method of claim 75 wherein the requestor is informed of

the decision by the receiver(col.2 line 57-col.3 line 10, col.6 lines 28-67, col.8 lines 40-57).

Regarding claim 77, Friedes the method of claim 75 wherein the requestor is informed of the decision by an agent(col.2 line 57-col.3 line 10, col.6 lines 28-67, col.8 lines 40-57; connecting to an agent informs the requestor of the decision to be routed to an appropriate agent).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 18-19, 42-43, 53-54, 56-57, 70, 74, and 78 rejected under 35 U.S.C. 103(a) as being unpatentable over Friedes in view of Jones et al., Patent # 5,239,462.

Regarding claims 18-19, 42-43, 53-54, 56-57, 70, 74, and 78, Friedes teaches the methods and systems of claims 1, 17, 25, 41, 46, 52, and 55.

Friedes is silent on specifically disclosing if his second database contains credit history and scoring and wherein the decision is selected from the group consisting of an approval or denial of a loan or credit application, an adjustment to a credit limit, an offer, and a negotiation provision.

However, Jones discloses credit history and scoring information and wherein the decision is selected from the group consisting of an approval or denial of a loan or credit application, an adjustment to a credit limit, an offer, and a negotiation provision(20-28 Fig.1).

It would have been obvious to one of ordinary skill in the art to include Jones' approval status and credit information into Friedes system. One would have been motivated to do so as Friedes discloses of caller's account information(col.1 line 25) and credit information and approval status is old and well-known account information as taught by Jones and merely adding this software functionality into Friedes system would make the caller's request and call more efficient(see background info in Friedes col.9 lines 36-46).

Response to Arguments

7. Applicant's arguments with respect to claims 1, 6-8, 10, 12-13, 15-21, 23-25, 28-30, 34, 37, 39-43, 45-46, 49-58, and 60-78 have been considered but are moot in view of the new ground(s) of rejection.

In response to the submitted 1.131 declaration to swear back the priority date, It is noted that the examiner does not admit that the submitted 1.131 is sufficient to overcome the prior arts of record nor sufficient to swear back the original priority date. This current change of prior art is applied due to the broad recitations of the current claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T. Phan whose telephone number is (571) 272-7544. The examiner can normally be reached on Mon-Fri 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph T Phan/
Examiner, Art Unit 2614
/Curtis Kuntz/
Supervisory Patent Examiner, Art Unit 2614